

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, et al., <i>Plaintiffs,</i> v. GREGORY W. ABBOTT, et al., <i>Defendants.</i>	5:21-cv-844-XR
LULAC TEXAS, et al., <i>Plaintiffs,</i> v. JANE NELSON, et al., <i>Defendants.</i>	1:21-cv-0786-XR

**LULAC PLAINTIFFS’ NOTICE OF SUPPLEMENTAL FILINGS TO PARTIES’ JOINT PRE-
TRIAL ORDER**

Plaintiffs LULAC Texas (“LULAC”), Texas Alliance for Retired Americans (“TARA”), Texas AFT (“AFT”), and Voto Latino (collectively “LULAC Plaintiffs”), pursuant to the Court’s March 30, 2023, Second Amended Scheduling Order (ECF No. 579) and the parties’ August 22, 2023 Status Conference (ECF No. 736 at Tr. 11:15–12:5, 13:10–23), hereby submit:

- The LULAC Plaintiffs’ Trial Outline reflected in Table A below; and,
- The LULAC Plaintiffs’ Exhibit List with Defendants’ Objections reflected in Table B below.

The LULAC Plaintiffs reserve the right to amend the below as trial proceeds.

TABLE A – LULAC PLAINTIFFS’ TRIAL OUTLINE¹			
Count	Potential Exhibits	Potential Witnesses²	Witness Status
COUNT I: SECTION 2 OF THE VOTING RIGHTS ACT	LULAC-2, LULAC-3, LULAC-4, LULAC-5, LULAC-6, LULAC-7, LULAC-8, LULAC-10, LULAC-12, LULAC-17, LULAC-22, LULAC-27, LULAC-87, HAUL-MFV 101, HAUL-MFV 102, HAUL-MFV 103, HAUL- MFV 104, HAUL-MFV 167, HAUL-MFV 174, HAUL- MFV 182, HAUL-MFV 183, HAUL-MFV 189, HAUL- MFV 235, HAUL-MFV 263, HAUL-MFV 264, STATE- 010, STATE-012	Dr. Allan Lichtman	Will Call
		Dr. Kenneth Mayer	Will Call
		Jacquelyn Callanen	Will Call
		Domingo Garcia	Will Call
		Ameer Patel	Will Call
		Nicole Collier	Deposition Designations
		Dr. Loren Collingwood	May Call
COUNT II: UNDUE BURDEN ON THE RIGHT TO VOTE	LULAC-1, LULAC-2, LULAC-3, LULAC-4, LULAC-5, LULAC-6, LULAC-7, LULAC-8, LULAC-10, LULAC-17, LULAC-18, LULAC-20, LULAC-21, LULAC-22, LULAC-25, LULAC-27, LULAC-40, LULAC-80, LULAC-87, LULAC-81, LULAC-89, LULAC-90, LULAC-91, LULAC-98, LULAC-99, LULAC-101, LULAC-102, LULAC-103, HAUL-MFV 80, HAUL- MFV 101, HAUL-MFV 102, HAUL-MFV 103, HAUL- MFV 104, HAUL-MFV 132,	Dr. Allan Lichtman	Will Call
		Dr. Kenneth Mayer	Will Call
		Jacquelyn Callanen	Will Call
		Bridgette Escobedo	Will Call
		Domingo Garcia	Will Call
		Michael Scarpello	Will Call
		Lisa Wise	Will Call
		Yvonne Ramon	Deposition Designations
		Dr. Loren Collingwood	May Call
		Dana DeBeauvoir	May Call
		Elaine Jones	May Call

¹ LULAC Plaintiffs reserve the right to revise this outline with the inclusion of additional evidence and witnesses as trial proceeds in this case.

² LULAC Plaintiffs and the County DAs for Bexar, Dallas, El Paso, Hidalgo, and Travis Counties have negotiated stipulations to avoid the need for the District Attorneys to testify at trial. LULAC Plaintiffs do not intend to call these District Attorneys at trial absent unforeseen circumstances and include them as May Call witnesses here for preservatory purposes only. LULAC Plaintiffs and County DA for Harris County are currently negotiating a similar stipulation obviating the need live testimony, which has yet to be finalized.

	HAUL-MFV 167, HAUL-MFV 174, HAUL-MFV 182, HAUL-MFV 183, HAUL-MFV 189, HAUL-MFV 235, HAUL-MFV 263, HAUL-MFV 264, HAUL-MFV 273, OCAPX-36, STATE-010, STATE-012	Isabel Longoria	May Call
		Rivelino Lopez	May Call
		Rachelle Obakozuwa	May Call
		Alice Penrod	May Call
		Tacoma Phillips	May Call
		Elva Roy	May Call
COUNT III: RESTRICTIONS ON FREE SPEECH AND EXPRESSION	LULAC-1, LULAC-9, LULAC-10, LULAC-11, LULAC-12, LULAC-17, LULAC-18, LULAC-21, LULAC-22, LULAC-27, LULAC-68, LULAC-80, LULAC-81, LULAC-87, LULAC-98, LULAC-99, LULAC-101, LULAC-102, LULAC-103	Rosalie Weisfeld	May Call
		Judy Bryant	Will Call
		Zeph Capo	Will Call
		Jacquelyn Callanen	Will Call
		Domingo Garcia	Will Call
		Ameer Patel	Will Call
		Michael Scarpello	Will Call
		Lisa Wise	Will Call
		Dana DeBeauvoir	May Call
COUNT IV: SECTION 208 OF THE CIVIL RIGHTS ACT	LULAC-1, LULAC-9, LULAC-10, LULAC-11, LULAC-17, LULAC-22, LULAC-27, LULAC-87	Judy Bryant	Will Call
		Jacquelyn Callanen	Will Call
		Zeph Capo	Will Call
		Domingo Garcia	Will Call

TABLE B – LULAC PLAINTIFFS’ EXHIBIT LIST WITH DEFENDANT OBJECTIONS

PX No.	Description	Def Objection
LULAC-01	Texas Senate Bill 1 Enrolled Version	
LULAC-02	February 28, 2022 Expert Report of Dr. Kenneth R. Mayer (also available at ECF No. 639-6)	Ogg - FRE 702, 801 State-to the extent there is hearsay
LULAC-03	April 29, 2022 Supplement to Expert Report of Dr. Kenneth R. Mayer	Ogg - FRE 702, 801S State-to the extent there is hearsay
LULAC-04	March 6, 2023 2022 General Election Expert Report of Dr. Kenneth R. Mayer (as modified by the April 20, 2023 expert report)	Ogg - FRE 702, 801 State-to the extent there is hearsay
LULAC-05	April 28, 2022 Expert Report of Dr. Allan Lichtman	Ogg - FRE 702, 801 State-to the extent there is hearsay
LULAC-06	February 28, 2022 Expert Report of Dr. Loren Collingwood	Ogg - FRE 702, 801 State-to the extent there is hearsay
LULAC-07	April 29, 2022 Supplement to the Expert Report of Dr. Loren Collingwood	Ogg - FRE 702, 801 State-to the extent there is hearsay
LULAC-08	February 10, 2023 General Election Report of Dr. Loren Collingwood (as modified by February 27, 2023 notice of correction)	Ogg - FRE 702, 801 State-to the extent there is hearsay
LULAC-09	ECF No. 639-1 Declaration of Zeph Capo	Ogg - FRE 602, 701, 801
LULAC-10	ECF No. 639-2 Declaration of Domingo A. Garcia	Ogg - FRE 602, 701, 801
LULAC-11	ECF No. 639-3 Declaration of Gene Lantz	Ogg - FRE 602, 701, 801
LULAC-12	ECF No. 639-4 Declaration of Ameer Patel	Ogg - FRE 602, 701, 801
LULAC-13	ECF No. 639-7 May 6, 2022 30(b)(6) Dep. Tr. of Keith Ingram	
LULAC-14	ECF No. 639-8 April 26, 2022 30(b)(6) Dep. Tr. of Keith Ingram	
LULAC-15	ECF No. 639-9 May 2, 2022 SOS's Responses and Objections to U.S. Interrogatories	
LULAC-16	ECF No. 639-10 May 11, 2022 Attorney General's Verification of State Defendant's Responses and Objections to U.S. Interrogatories	

LULAC-17	ECF No. 639-11 April 20, 2022 30(b)(6) Dep. Tr. of Callanen	
LULAC-18	ECF No. 639-12 Defendant El Paso County Elections Administrator Lisa Wise's March 31, 2023 Objections and Responses to LULAC Plaintiffs' Third Set of Interrogatories	
LULAC-19	ECF No. 639-13 Defendant Dyana Limon-Mercado's March 23, 2023 Objections and Responses to LULAC Plaintiffs' Third Set of Interrogatories	
LULAC-20	ECF No. 639-14 Defendant Yvonne Ramon's May 10, 2022 30(b)(6) deposition transcript	
LULAC-21	ECF No. 639-15 Defendant Michael Scarpello's April 29, 2022 Rule 30(b)(6) deposition transcript	
LULAC-22	ECF No. 639-18 Defendant Bexar County Election Administrator Jacquelyn Callanen's March 17, 2023 Objections and Responses to LULAC Plaintiffs' Third Set of Interrogatories	
LULAC-23	ECF No. 639-19 Dr. Henry Flores's February 28, 2022 expert report	Ogg - FRE 702, 801 State - repetitive/cumulative
LULAC-24	(Deposition Exhibit) December 12, 2021 Email from the SOS's office	State-repetitive/cumulative
LULAC-25	(Deposition Exhibit) Black Ballot Rejection Rates	
LULAC-26	(Deposition Exhibit) April 7, 2022 email from Ingram to Rep. Williamson	State-repetitive/cumulative
LULAC-27	(Deposition Exhibit) Bexar County mailing	
LULAC-28	(Deposition Exhibit) Elections Division Webinar	
LULAC-29	(Document) Ballot Secrecy Envelope	
LULAC-30	(Document) Poll Watchers Guide (2018)	
LULAC-31	(Document) Qualifying Voters on Election Day Handbook (2018)	
LULAC-32	(Document) OAG list of pending election-related fraud prosecutions	
LULAC-33	(Document) Letter from Texas Legislators	
LULAC-34	(Document) HB 3 bill summary	

LULAC-35	(Document) OAG memo regarding SB 1	
LULAC-36	(Document) Blank Carrier Envelope	
LULAC-37	(Document) OAG list of resolved prosecutions of election fraud from 2004 to 2020	State-repetitive/cumulative
LULAC-38	(Document) Poll Watchers Guide (2022)	
LULAC-39	(Document) Blank Ballot Rejection Form	
LULAC-40	(Document) Blank Notice of Carrier Defect - Carrier Envelope Returned to Voter by Mail	
LULAC-41	(Document) Blank Notice of Carrier Defect - Voter Notified by Phone or Email	
LULAC-42	(Document) Blank Notice of Rejected ABBM - Personal Identification Numbers not on Voter Record	
LULAC-43	(Document) Blank Notice of Rejected ABBM - Missing or Incorrect Personal ID Numbers	State-repetitive/cumulative
LULAC-44	(Document) Blank Notice of Rejected Application for Ballot by Mail	
LULAC-45	(Document) Blank Roster of ABBM Voters Defective Carrier Envelopes - Phone or Email	
LULAC-46	(Document) Blank Roster of Voters with Defective Carrier - Returned to the Voter by Mail	
LULAC-47	(Document) Certificate of Appointment of Poll Watcher by a Candidate	State-repetitive/cumulative
LULAC-48	(Document) Certificate of Appointment of Watcher by Political Party	
LULAC-49	(Document) Corrective Action Form for Carrier Envelope	
LULAC-50	(Document) Handbook for Election Judges and Clerks (2022)	
LULAC-51	(Document) Information About Returning Your Carrier Envelope	
LULAC-52	(Document) FAQs on ABBMs	
LULAC-53	(Document) Election Advisory No. 2022-07	
LULAC-54	(Document) Election Advisory No. 2022-08 - Opportunity to Correct Defects	

LULAC-55	(Document) Texas SOS Presentation - Reviewing Your ABBMs	
LULAC-56	(Document) Election Advisory No. 2022-09 - Poll Watcher Requirements	State-repetitive/cumulative
LULAC-57	(Document) Training for EVBB/SVC Members on New Ballot by Mail Procedures	
LULAC-58	(Document) Training for EVBB/SVC Members on New Ballot by Mail Procedures (2022)	State-repetitive/cumulative
LULAC-59	(Document) Training for EVBB/SVC Members on New Ballot by Mail Procedures	
LULAC-60	(Document) 2021 Legislative and Policy Updates	
LULAC-61	(Document) OAG document of election-related fraud offenses	State-repetitive/cumulative
LULAC-62	(Document) Blank Oath of Assistance	
LULAC-63	(Document) Review of ABBMs and FPCAs (2022)	
LULAC-64	(Document) Training for EVBB/SVC Members on New Ballot by Mail Procedures	
LULAC-65	(Document) Texas House floor debate transcript	State-repetitive/cumulative
LULAC-66	(Document) Dallas County voter spreadsheet	
LULAC-67	(Document) Early Voting Ballot Board & Signature Verification Committee Handbook for Election Judges and Clerks (2022)	
LULAC-68	(Email) from Harris EA to AFT	
LULAC-69	(Email) from Organizations representing elections officials to Rep. Roberts	
LULAC-70	(Email) from OAG providing list of elections-related fraud	
LULAC-71	(Email) SOS email re "Weekend Comparative Process"	
LULAC-72	(Email) from Mexican American Legislative Caucus to SOS	Ogg - FRE 801

LULAC-73	(Email) Email from voter re "unable to verify my info"	Ogg - FRE 801
LULAC-74	(Email) Email from voter re "Need Identification Card Number in voter registration database, not old Driver's License Number"	Ogg - FRE 801
LULAC-75	(Email) SOS email	State-repetitive/cumulative
LULAC-76	(Written Discovery) State Defendants' Responses and Objections to DOJ 2nd ROG	
LULAC-77	(Written Discovery) State Defendants' Supplemental Responses and Objections to US 2nd ROG	
LULAC-78	(Written Discovery) 2023.02.15 - LULAC Plaintiffs' RFAs to El Paso DA Defendant	
LULAC-79	(Written Discovery) 2023.02.15 LULAC Plaintiffs' Interrogatories to El Paso DA Defendant	
LULAC-80	(Written Discovery) Dallas County, Defendant Scarpello Responses and Objections to State Defs Second RFP, First RFAs and Interrogatories	
LULAC-81	(Written Discovery) El Paso County, Defendant Lisa Wise Responses and Objections to State Def 1st RFA and ROG	
LULAC-82	(Written Discovery) 2023.03.17 Bexar County Defendant DA Gonzales R&Os to LULAC Plaintiffs RFAs	
LULAC-83	(Written Discovery) 2023.03.17 Bexar County Defendant DA Gonzales R&Os to LULAC Plaintiffs ROGs	
LULAC-84	(Written Discovery) 2023.03.17 Harris County Defendant Ogg's R&Os to LULAC Discovery Requests	
LULAC-85	(Written Discovery) 2023.03.17 Hidalgo County Defendant Palacios R&Os to Plaintiffs' First Set of Discovery Requests	
LULAC-86	(Written Discovery) OAG Defendant Responses and Objections to LULAC's First Set of Interrogatories	

LULAC-87	(Written Discovery) Bexar County, Defendant EA Callanen's Responses to LULAC Third Set of Interrogatories	
LULAC-88	(Written Discovery) Harris County, Defendant EA Supplemental Responses to State Defendants' 2nd Set of Interrogatories	
LULAC-89	(Written Discovery) Travis County, Defendant Limon-Mercado's Responses and Objections to LULAC Plaintiffs' 3rd Interrogatories	
LULAC-90	(Written Discovery) Travis County, Defendant Limon-Mercado's Responses and Objections to OCA Plaintiffs' 1st Interrogatories	
LULAC-91	(Written Discovery) Travis County, Defendant Limon-Mercado's Responses and Objections to State Defs' 2nd Interrogatories	
LULAC-92	(Written Discovery) Hidalgo County, Defendant Salinas Responses and Objections State Defendants 2nd ROGs	
LULAC-93	(Written Discovery) Hidalgo County, Responses and Objections to Plaintiffs' 3rd Interrogatories	
LULAC-94	(Written Discovery) 2023.03.30 Travis County Defendant Garza R&Os to LULAC Pls 1st RFA	
LULAC-95	(Written Discovery) 2023.03.30 Travis County Defendant Garza's Responses and Objections to LULAC Plaintiffs' 1st ROGs	
LULAC-96	(Written Discovery) Dallas [RFA] - 2023.03.31 Creuzot R&Os LULAC Pls RFA	
LULAC-97	(Written Discovery) Dallas [ROG] - 2023.03.31 Creuzot R&Os LULAC 1st ROG	
LULAC-98	(Written Discovery) El Paso County, Def. Lisa Wise's Responses and Objections to LULAC Plaintiffs' 3rd Interrogatories	
LULAC-99	(Written Discovery) El Paso County, Def. Wise's Responses and Objections to State Defs' 2nd ROG	
LULAC-100	(Written Discovery) Harris County, Tatum's Responses and Objections to LULAC 3rd Interrogatories	

LULAC-101	(Written Discovery) El Paso County, Def Wise Supp and Am Responses and Objections to LUPE Pls' Am. 3d Interrogatories	
LULAC-102	(Written Discovery) El Paso County, Def Wise Supp and Am Responses and Objections to Pls 1st Interrogatories	
LULAC-103	(Written Discovery) El Paso County, Wise Supp and Am Responses and Objections to State Defs 2nd Interrogatories	
LULAC-104	(Written Discovery) GOP, Int-Defs 2nd Supp Responses and Objections to Pls 1st ROG	
LULAC-105	(Written Discovery) Harris County, Amended Responses and Objections to LULACPlaintiffs' Third Set Interrogatories	

Dated: September 5, 2023

Respectfully submitted,

/s/ Uzoma N. Nkwonta

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CERTIFICATE OF SERVICE

On September 5, 2023, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Christopher D. Dodge
Christopher D. Dodge